



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/696,095	10/25/2000	Mitsuharu Kamiya	00754/LH	3189

1933 7590 03/09/2004

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC  
767 THIRD AVENUE  
25TH FLOOR  
NEW YORK, NY 10017-2023

EXAMINER

YOUNG, JOHN L

ART UNIT	PAPER NUMBER
----------	--------------

3622

DATE MAILED: 03/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/696,095

Applicant(s)

KAMIYA, MITSUHARU

Examiner

John L. Young

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

JOHN LEONARD YOUNG, ESQ.  
PRIMARY EXAMINER

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Art Unit: 3622

## FIRST ACTION REJECTION

### DRAWINGS

1. This application has been filed with drawings that are considered informal; however, said drawings are acceptable for examination and publication purposes. The review process for drawings that are included with applications on filing has been modified in view of the new requirement to publish applications at eighteen months after the filing date of applications, or any priority date claimed under 35 U.S.C. §§119, 120, 121, or 365.

### CLAIM REJECTIONS — 35 U.S.C. §103( a )

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Art Unit: 3622

2. Claims 1-39 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ginter et al., 5,892, (4/6/99) (herein referred to as "Ginter").

As per claim 1, Ginter (col. 22, ll. 25-67; col. 21, ll. 1-67; col. 22, ll. 1-24; col. 33, ll. 35-67 34, ll. 1-67; col. 37, ll. 15-67; col. 38, ll. 1-67; col. 53, ll. 39-51; col. 53, ll. 58-67; col. 54, ll. 1-40 135, ll. 58-67; col. 136, ll. 1-67; col. 157, ll. 50-67; col. 158, ll. 1-67; col. 190, ll. 20-67; col. 202, 40; FIG. 1; FIG. 72B; FIG. 72C; FIG. 72D; and whole document) shows "A contents distributin apparatus which is connected to an information processing terminal and an output device via a network. . . ." as in claim 1.

Ginter lacks an explicit recital of claim 1 even though Ginter reasonably suggests same. It would have been obvious to one of ordinary skill in the art at the time of the invention that Ginter (col. 22, ll. 25-67; col. 21, ll. 1-67; col. 22, ll. 1-24; col. 33, ll. 35-67; col. 34, ll. 1-67; col. 37, ll. 15-67; col. 38, ll. 1-67; col. 53, ll. 39-51; col. 53, ll. 58-67; col. 54, ll. 1-40; col. 135, ll. 58-67; col. 136, ll. 1-67; col. 157, ll. 50-67; col. 158, ll. 1-67; col. 190, ll. 20-67; col. 202, ll. 5-40; FIG. 1; FIG. 72B; FIG. 72C; FIG. 72D; and whole document) would have been selected in accordance with the elements and limitations in claim 1 because selection of such features would have provided *"fundamentally important capabilities for managing content that travels 'across' the 'information highway.'"* (See Ginter (col. 2, ll. 20-32)).

Art Unit: 3622

As per dependent claims 2-16, Ginter shows the system of claim 1 and subsequent base claims depending from claim 1.

Ginter lacks explicit recitation of the elements and limitations of claims 2-16, even though the disclosure of Ginter reasonably suggests same.

Official Notice is taken that both the concepts and the advantages of the elements and limitations of claims 2-16 were notoriously well known and expected in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art at the time of the invention that Ginter (col. 22, ll. 25-67; col. 21, ll. 1-67; col. 22, ll. 1-24; col. 33, ll. 35-67; col. 34, ll. 1-67; col. 37, ll. 15-67; col. 38, ll. 1-67; col. 53, ll. 39-51; col. 53, ll. 58-67; col. 54, ll. 1-40; col. 135, ll. 58-67; col. 136, ll. 1-67; col. 157, ll. 50-67; col. 158, ll. 1-67; col. 190, ll. 20-67; col. 202, ll. 5-40; FIG. 1; FIG. 72B; FIG. 72C; FIG. 72D; and whole document) would have been selected in accordance with the elements and limitations in claim 1 because selection of such features would have provided *"fundamentally important capabilities for managing content that travels 'across' the 'information highway.'"* (See Ginter (col. 2, ll. 20-32)).

As per claim 17, Ginter (col. 22, ll. 25-67; col. 21, ll. 1-67; col. 22, ll. 1-24; col. 33, ll. 35-67; col. 34, ll. 1-67; col. 37, ll. 15-67; col. 38, ll. 1-67; col. 53, ll. 39-51; col. 53, ll. 58-67; col. 54, ll. 1-40; col. 135, ll. 58-67; col. 136, ll. 1-67; col. 157, ll. 50-67; col. 158, ll. 1-67; col. 190, ll. 20-67; col. 202, ll. 5-40; FIG. 1; FIG. 72B; FIG. 72C; FIG.

Art Unit: 3622

72D; and whole document) shows "A contents distributing apparatus which is connected to an information processing terminal and an output device via a network. . . ." as in claim 17.

Ginter lacks an explicit recital of claim 17 even though Ginter reasonably suggests same. It would have been obvious to one of ordinary skill in the art at the time of the invention that Ginter (col. 22, ll. 25-67; col. 21, ll. 1-67; col. 22, ll. 1-24; col. 33, ll. 35-67; col. 34, ll. 1-67; col. 37, ll. 15-67; col. 38, ll. 1-67; col. 53, ll. 39-51; col. 53, ll. 58-67; col. 54, ll. 1-40; col. 135, ll. 58-67; col. 136, ll. 1-67; col. 157, ll. 50-67; col. 158, ll. 1-67; col. 190, ll. 20-67; col. 202, ll. 5-40; FIG. 1; FIG. 72B; FIG. 72C; FIG. 72D; and whole document) would have been selected in accordance with the elements and limitations in claim 17 because selection of such features would have provided *"fundamentally important capabilities for managing content that travels 'across' the 'information highway.'"* (See Ginter (col. 2, ll. 20-32)).

As per dependent claims 18-39, Ginter shows the system of claim 17 and subsequent base claims depending from claim 17.

Ginter lacks explicit recitation of the elements and limitations of claims 18-39, even though the disclosure of Ginter reasonably suggests same.

Official Notice is taken that both the concepts and the advantages of the elements and limitations of claims 18-39 were notoriously well known and expected in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art at the time of the invention that Ginter (col. 22, ll. 25-67; col. 21, ll. 1-67; col. 22, ll. 1-24; col. 33, ll. 35-67; col. 34, ll. 1-67; col. 37, ll. 15-67; col. 38, ll. 1-67; col. 53, ll. 39-51; col. 53, ll. 58-67; col. 54, ll. 1-40; col. 135, ll. 58-67; col. 136, ll. 1-67; col. 157, ll. 50-67; col. 158, ll. 1-67; col. 190, ll. 20-67; col. 202, ll. 5-40; FIG. 1; FIG. 72B; FIG. 72C; FIG. 72D; and whole document) would have been selected in accordance with the elements and limitations in claim 1 because selection of such features would have provided *"fundamentally important capabilities for managing content that travels 'across' the 'information highway.'"* (See Ginter (col. 2, ll. 20-32)).

### CONCLUSION

3. Any response to this action should be mailed to:

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

Any response to this action may be sent via facsimile to either:  
(703) 746-7239 or (703) 872-9314 (for formal communications EXPEDITED PROCEDURE) or (703) 746-7239 (for formal communications marked AFTER-FINAL) or  
(703) 746-7240 (for informal communications marked PROPOSED or DRAFT).

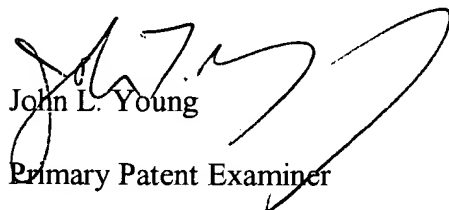
Hand delivered responses may be brought to:

Seventh floor Receptionist  
Crystal Park V  
2451 Crystal Drive  
Arlington, Virginia.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Young who may be reached via telephone at (703) 305-3801. The examiner can normally be reached Monday through Friday between 8:30 A.M. and 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, may be reached at (703) 305-8469.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

  
John L. Young  
Primary Patent Examiner

**JOHN LEONARD YOUNG, ESQ.**  
**PRIMARY EXAMINER**

March 3, 2004